

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ANTHONY LAVELL MARTIN,

Defendant-Appellee.

UNPUBLISHED
December 2, 2003

No. 241148
Jackson Circuit Court
LC No. 02-000879-FH

Before: Murray, P.J., and Gage and Kelly, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's order granting defendant's motion to suppress the evidence and dismiss the case. We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with carrying a concealed weapon (CCW), a knife, MCL 750.227. At the preliminary examination Deputy Carter testified that at 12:40 a.m. on January 30, 2002 he was on patrol when he observed a car parked in a closed public park. Carter approached the car, collected identification from the occupants, and ran their names through the Law Enforcement Information Network (LEIN) system. The LEIN check revealed the existence of an outstanding Wayne County warrant for defendant's arrest. Carter contacted dispatch and requested that Wayne County authorities be contacted to verify the warrant and to determine if they wanted to take custody of defendant. Carter arrested defendant, and during a search of defendant's person found a knife in his pocket. Immediately thereafter, dispatch advised Carter that the warrant from Wayne County was no longer valid. He was not informed when the warrant should have been removed from the system. The court bound defendant over for trial on the charge of CCW.

In the trial court defendant moved to suppress the evidence and dismiss the charge on the ground that his arrest was illegal because the warrant on which it was based was not valid. The trial court granted the motion, concluding that it would not have been unreasonable for Carter to wait for verification of the warrant before placing defendant under arrest.

We review a trial court's findings of fact on a motion to suppress for clear error and the ultimate decision de novo. *People v Darwich*, 226 Mich App 635, 637; 575 NW2d 44 (1997).

An arrest is legal if an officer has reasonable cause to believe that the defendant committed a crime. Having reasonable cause means having sufficient information to lead an ordinarily careful person to believe that the defendant committed a crime. CJI2d 13.5(4). An officer is entitled to rely on information obtained from a LEIN check as a basis for making an arrest. *People v Freeman*, 240 Mich App 235, 236-237; 612 NW2d 824 (2000).

In this case, a LEIN check showed that defendant had an outstanding warrant for his arrest. Carter was entitled to rely on the warrant as the basis for arresting defendant. *Id.*; *People v Bell*, 74 Mich App 270, 275-277; 253 NW2d 726 (1977). No evidence indicated that the warrant was invalid on its face. Cf. *Whiteley v Warden*, 401 US 560; 91 S Ct 1031; 28 L Ed 2d 306 (1971) (warrant not supported by probable cause and thus void ab initio). At the time he made the arrest Carter had no reason to know the warrant was no longer valid.¹ The fact that the verification information he requested came back very quickly seems to have influenced the trial court's conclusion that Carter should have waited for the information before placing defendant under arrest. However, no authority imposes a blanket requirement that an officer wait for verification of LEIN information prior to making an arrest based on that information. No evidence showed that the warrant was defective on its face or that Carter had reason to know the warrant was no longer valid at the time he arrested defendant. The trial court erred in granting defendant's motion to suppress and dismiss on the ground that Carter failed to wait for verification of the LEIN information. *Freeman, supra; Bell, supra*.

Reversed and remanded. We do not retain jurisdiction.

/s/ Christopher M. Murray
/s/ Hilda R. Gage
/s/ Kirsten Frank Kelly

¹ Defendant notes that the *Bell* Court stated that an officer may rely on information obtained from the LEIN system "provided there is no undue delay between the time the ticket underlying a valid warrant is paid and the time that the LEIN system cancels the warrant." *Bell, supra* at 277. Defendant asserts that he paid the fine on which the warrant was based three weeks prior to his arrest, and that his arrest was invalid because the delay in removing the warrant from the LEIN system was unreasonable. The record on which defendant's motion to suppress and dismiss was based contained no evidence regarding the length of the delay in removing the warrant from the LEIN system. The length of the delay played no part in the trial court's decision.